



Attorney's Docket No.: «Matter Matter ID»

Applicant : Charles C. Packham et al.  
Serial No. : 09/422,758  
Filed : October 21, 1999  
Title : SHAVING SYSTEMS AND FOILS

Art Unit : 3724  
Examiner : C. Goodman

**Mail Stop Appeal Brief - Patents**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

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REPLY BRIEF

Pursuant to 37 CFR 1.193(b)(1), Applicant responds to the new points raised in the Examiner's Answer as follows.

A. The Filing of an Information Disclosure Statement Does not Create a Presumption of Enablement of Cited References

At page 6 of the Answer, the Examiner states:

Pranjko is a reference that the Appellant cited in the IDS filed on September 25, 2000, Paper No. 9. The fact that the Appellant had submitted this reference carries a presumption that the reference is enabling. Under 37 CFR §1.56, the Appellant fulfilled the Appellant's duty to disclose information that is material to the patentability of the invention in the manner prescribed by §§ 1.97(b)-(d) and 1.98. Therefore, any of the references that the Appellant cites is presumed to be enabling to the extent they are presumed to be material to the patentability of the invention.

The Examiner's logic fails in the assumption that the listing of a reference in an IDS is an admission of materiality. This is clear error. As is provided in 37 CFR 1.97(h):

**CERTIFICATE OF MAILING BY FIRST CLASS MAIL**

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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